122

G. R. S. 58]

*Previous references.*

No 66-05-1106
" 5-07-1104, 7, 11 etc

File No. 30-08

Serial Nos. 142

1908.

( Prisons )

*Later references.*

Pris 54-07

Regis 17-06. 1-33 A. Aug. 11
pris 16-13; 1-2.
Reg 50-14.
= 44-14 (1-2).
= 50-15 (1-4)
20 (16, 6, 15, 16)

# GENERAL AND REVENUE SECRETARIAT.

*Serial Nos.* 142

**Part B for** Nov 1910

**SUBJECT.**

The D. G. of Prisons exercising disciplinary powers over Police Constables deputed on Lockup duty.

Table of Contents

1. From the D.G of Prisons No 1166/762-08 dy 23 10-08
Requests to be favoured with a definite ruling in the matter of the D.G of Prisons exercising disciplinary powers over the Police men deputed for Lockup duty
2. To the D.G of Prisons, the D.G. of Police, the D.G. of Regn. the Dy Comrs & Dt Magistrates & the Chief Engineer
No J 1380-91 dy 9th Nov 1910.
Passes orders in the matter

GPB—5,000—22-10-10

G. R. S. 11] 1908.

GENERAL AND REVENUE SECRETARIAT.

( Prisons )

NOTES.

File No. 230 - 08

FILE HEADING.

The Inspector General of Prisons exercising disciplinary powers over police constables deputed on Lock-up duty.

From The Inspector General of Prisons in Myson

No. 1166/H62-08 Dated 23/10/08 Received 27/10/08

Copy No. 7/1077 | Enclos. - | Spare Copies. - | Serial No. /

BRIEF ABSTRACT OF LETTER.

Requests to be favoured with a definite ruling in the matter of the Dy. of Prisons exercising disciplinary powers over the police men deputed on lock-up duty.-

NOTES AND ORDERS.

Submitted for orders. (This file was linked with file no 1 Yest
CRO 11/30/10/08-4/upod

3 Please instruct Lockup police
referred to in Dy.'s letter

26.1.09.

Issued
NO
29.1.09

Serial No.

4 The letter under disposal gives the facts of this reference Completely. I think it only natural and reasonable that the D.G. of Prisons should claim disciplinary powers over the Policemen doing duty in Jails Lockups. Any other arrangement is not merely anamolous but positively dangerous, as it tends to weaken the sense of responsibility in Lockup officers in regard to the management of prisons.

~~The matter after this~~

5 The larger question as to whether full disciplinary powers over policemen on duty at Lockups should not, for the time being, be given to Lockup officers is under disposal in the accompanying file, from which it will be observed that several members of the Representative assembly are even asking for a separate prison guarding Establishment. So far as the matter now under reference is alone concerned, ~~it would~~ the D.G. of Prisons ~~should~~ may be given the power of ordering the prosecution of any Police-

Serial No.

on lockup duty, should, after due enquiry, be thought fit to do so. The fact that men borne on the Police Establishment are told off for lockup duty is only an administrative ~~arrangement~~ arrangement and it ought not to affect the disciplinary powers vested in the I.G. of Prisons over all lockups, etc. in the State.

27.1.09. Sd/-
Secretary.

6) The view taken in the above note seems to be correct. The I.G. of Prisons should have certain disciplinary powers over the police deputed for lock up duty. Especially should he have the power to order a prosecution for neglect of lockup rules & for negligently allowing prisoners to escape.

7 Where the fault is a minor one that can be adequately punished departmentally by fine, suspension, reduction or dismissal it is desirable that the I.G. of Police who is responsible for the recruitment & discipline of the whole force should order such

NOTE—Contn sheet.

Serial No.

punishments rather than the D. I. of Prisons. In such cases the latter may forward the records of enquiry to the D. I. of Police with an expression of his opinion & ~~leave~~ leave it to that officer to award a suitable punishment to the delinquent. In case of any difference of opinion arises as to whether the man should be punished it will be best if the man is removed from lock up duty. & The D. I. of Prisons should have also the option to have any policeman removed from lock up duty for what he considers to be sufficient grounds & the D. I. of Police should give effect to such request if preferred.

9 The opinion of the D. I. of Police may perhaps be invited unofficially before orders are passed -

10 Approved
KKN
4/2/09
Chn

2nd C)

GB
3/2/09

3-2-09. Sdt.

11-0-1555

11 Forwarded to the D. I. of Police for favour of opinion.

S Sivagnanasingam
for Secretary.

5th Dec 9

NOTE—Contn. sheet.

GPB—50,000—13-5 08

Serial No.

Pres 26/1908

## NOTE.

12 I regret the delay that has transpired in fur-
-nishing my opinion, which was due to my being on a
long tour of inspection in the Districts.

13 It need hardly be said that the Heads of De-
-partments should have the disciplinary powers over
the subordinate members of the Department, to which
-ever other Department their services might be lent
This is only natural and at the same time, such
vesting of power is based on principle. Otherwise
the Head of the Department will lose his hold on
his subordinates, and this does ultimately result
in inefficiency of the entire body.

14 Neglect of duty such as allowing a prisoner
to escape, is not merely a breach of Jail Rule, but
an offence necessitating an investigation by a com-
petent authority. Thus whenever such breach of -
rules is noticed by the Inspector-General of Prison
the natural course for him would be to refer the
matter to the Inspector-General of Police to cause
steps to be taken to investigate and to punish the
delinquent, - which may either be a departmental
punishment or a criminal prosecution, depending on
the circumstances of the case. The Inspector-Genl.

Serial No.

of Police , it need not be said, is a better authority to decide which punishment would be adequate.

1ˢ If, however, the Inspector-General of Prisons is given the disciplinary powers, it is prone to pro-duce demoralising effect on the Police Force. The Inspector-General of Prisons has in view the indivi-dual who is the subject of punishment, and does not think of producing by his punishment, a deterrent effect on the Force. The Inspector-General of Police on the other hand, knows best as to which punishment would produce both the results.

1b It may further be noted that a constable is enlisted under the provisions contained in the Police Regulation, which definitely lays down their duties, and functions, their responsibilities and privileges. In matters of discipline according to the said law, they are subject to the officers of the Police De-partment alone. The Inspector-General of Prisons is not an officer appointed under the Police Regu-lation. Hence he has no jurisdiction over Police-men, merely because their services are temporarily placed under him. Nor could it be said that as long as they are on lock-up duty, they are excluded from the operation of the Police Regulations. Policemen are variously deputed on duties other than their regular

Pm 30 -08

ones. In none of which are they excluded from being subject to the provisions of the Police Regulation.

17 The Inspector-General of Police is as much in-
-terested, if not more, in preventing the escape of prisoners, in-as-much as ~~each~~ each escape of a prisoner will go to add to the number of criminals at-large, which means additional anxiety to the Police. The Inspector General of Police will therefore see that a very search
-ing enquiry is made into every case and that a more rigorous punishment is awarded.

18 The question of the interests of the respective Departments is a minor one. The District Magistrate is the local head of the lock-ups in the District and as such, the interests of the Prison Department, are suffi-
-ciently represented.

19 In the Madras and Bombay Governments, the In-
spector-General of Prisons has nothing to do in the atter of punishing the Police guard and it is the Superintendent of Police who is invested with the power f punishing the guard for neglect of duty, as is evide from the copies of the marginally noted references.

. E.C. No. 2267/Genl. 109 dated 5-7-09 from the Insp. Genl. of Police, Madras.

. No. 10794 C of 09 from the Inspr. Genl. of Police, Bombay.

Prisons 30 -08

20 For the foregoing reasons, I am emphatically against the proposal made by the Inspector-General of Prisons.

21 I am not aware of any instance in which, as the Inspector-General of Prisons states, he has exercised the disciplinary powers in question. If there be any, I would say it is wrong in principle and would request Government to lay down definite ruling in the matter.

Dated Bangalore,
the 24th July 1909.

D. Ramana
Inspector-General of Police.

Prisons 30-08

Office of the Inspector-General of Police,

No. 2267/Genl. 109. Madras, 5th July 1909.

From

D. W. G. Cowie Esq., I.C.S.,

Inspector-General of Police, Madras.

To

The Inspector-General of Police in Mysore,

Bangalore.

Sir,

I have the honour to answer below seriatim the questions raised in your letter No. 7423/P.C. 487 dated 24th June 1909, regarding Police guards supplied to Sub Jails and Taluk lock-ups.

1. The strength of the Police force of each District is so fixed as to provide for the guarding of sub jails. There is no such thing as a "Taluk Lock-up" in this Presidency except the Police lock-up attached to each Police station. There are sub jails at the Head Quarters of each Sub Magistrtae. If there is a Taluk Treasury at the Head Quarters of the Sub Magistrate, the sub jail is generally in the same building as the Treasury and a common Police guard is furnished for both. Otherwise, a separate guard is furnished for the sub jail. The guards are changed every week on Sunday morning at 6 o' clock.

2. The ordinary strength of a combined treasury and sub

Pres 30 10 8

jail guard is 1 Head Constable and 6 constables and of a sub jail alone is 3 constables; but there are exceptions to this rule : fo instance, there are sub jails at the Head quarters of certain Dis where there are neither Central nor District Jails; in such Sub jails where a large number of prisoners are confined, a special guard of greater strength is employed according to requirements.

24 3. The guard will be under the control of a Head Constable and supervised by the Station House Officer and the Inspector of the Divis

25 4. The power of punishing the guard for neglect of duty is veste in the Superintendent of Police, and punishments awarded by him are subject to a first appeal to the Deputy Inspector-General of Police of the Range and a second appeal to the Inspector-General of Police. The Inspector-General of Prisons has nothing to do in the matter of punishing the Police Guard.

26 5. Sub Jail guards are invariably prosecuted for allowing prisoners to escape.

I have &c.,

(Sd) Ivor E. David.

For Inspector-General of Police.

---

" C O P Y "

Inspector-General of Polic

Pros 30-08 11

No. 10794 c of 09. Office of the Inspector-General of Police,

Poona, 15th July 1909.

From

Michael Kennedy Esquire,

Inspector-General of Police,

Bombay Presidency.

To

The Inspector-General of Police in Mysore.

Sir,

I have the honour to reply seriatim to the queries contained in your letter No. 7423/P.C. 487 dated the 24th June 1909 :-

Paragraph 1 :- The guard is supplied from the District Armed Police and is relieved daily, a sufficient number of men being posted at the place to allow of this relief.

Paragraph 2 :- The strength of the guard is 1 Head constable and 4 constables for a Taluka lock-up which is also a sub - jail.

Paragraph 3 :- The guard is under the orders and immediate control of the Taluk Sub Inspector.

Paragraph 4 :- The power of punishing such guards rests with the District Superintendent of Police.

Paragraph 5 :- It is for the District Superintendent of Police to decide whether prosecution shall be instituted or a departmental punishment inflicted or both courses followed.

I have &c.,

(Sd) M. Kennedy.

Inspector-General of Police.

"C O P Y"

Inspector-General of Police.

Serial No.

3v Submitted for orders
GB. SN
27/7

33 The Sy. of Police objects to the prosecution in question being granted
two files pending
Colle Sy. of Prisons.

29/7/09 Stt

Secretary)

34 The questions at issue may perhaps be most convenient & satisfactorily settled by a personal discussion in conference with the Heads of Depts concerned, as suggested in the Financial Councillor's note of 6-2-08 in the file below.

30/7/09
Stt
31.7.09

35 The Asstt Secretary will please arrange for a conference

KMM
31/7/09
WP 31/7/09

36 (Bring this to my notice on the 4th inst. when Mr D. Ahs is expected to attend the meeting after S. C. on the V. T. Bill) 3/8 Stt

GPE—50.000—18-5-08

Put up
Attended

Serial No.

37 [I Councillor's orders in Prisons file 5—09, on the same subject.

I would order that the I. G. of Police should pass his final orders in such cases with the Concurrence of the I. G. of Prisons]

38 (As desired by the Vth Cr I spoke to Mr Dewarajus as to what would be convenient for him to have the Conference. He said that it would be convenient for him to have the matter discussed ~~during~~ during Dussera at Mysore).

39 Please send the file again in March next to me

15/9/09 Sd

(As directed by the Asst. Secy. to add that he spoke to the 1st Councillor on the subject and that the Councillor had ordered that the matter should be kept in Suspense till the Dussera and that this file should therefore be again placed before him at Mysore during the Dussera".

Cb. 15/9. 41 To be sent up to me on Monday (25th inst).

22/10/09. Sd

GPB—50,000—18-5-08

Serial No.

Submd for orders. The file was taken for reference for Darjeeling Subject no 60.

SW
4/9/11/09

(To be taken up after the Viceroy's visit is over. Within the 1st or north of the offices have got time now)

15/11/09. SW

Say about 1st Dec.

Submd for orders.

SW
4/12/09

by 1st Cr as to the date on which a meeting may be held. The Dy. Inspr. Genl intends utilising 4 days' Casual leave after the departure of the Viceroy.

8/12/09 SW

Directed meeting upon Somebody after the return of the Cr from Calcutta

Visit V

45 at 1 PM on Tuesday 11th January 1910

WPM
30/12/10

Sd T. P. as come back to HQ & the Dy. Inspr. Genl is out

24/12/09

WB Put up draft D.O's to the Dy. Inspr. and the Dy. Supdt. of Prisons - Early

8/1/10. SW

Draft is put up. The Councillor has

11/1/10



GPB—50,000—18-5-08

Serial No.

Kindly Consented to have the meeting fixed for some date after the 13th and before the 20th inst, let this file hereof be brought to me personally on the 10th inst so that the date may be fixed.

7/4/10. SH

For 1

4/8 To lie over till 15th April & to be submitted to me about that time.

SH
29/3

6/4 File resubmitted as per orders

CG. 15-4 SW 15/4

50 The Eng. Officer is not in town - having ordered by the Dist C^r to be brought up some time later.

Send up on the 25th with an urgent slip.

SH
19/4/10.

~~The D. E. Officer & the D. E. Officer~~ D.O. 7216-7 dt 23/4/10 ~~Engineers whether they can meet~~ 26th instant in the Public Office ~~enclosed~~ to consider the Event

GPB—50,000—18-5-08

G. R. S. 12 ]
General and Revenue Secretariat.

Pr File No. 30

G.R.S. 28]

Immediate

Post as the, Hed ×

File No.

Serial No.

Diary No. of letter replid to

*Proceedings of the Government of His Highness the Maharaja of Mysore.*

GENERAL AND REVENUE SECRETARIAT.

( )

READ.— D.O. Nr. J 3176-7.

, the 190 - A Earle

Date of issue 23-4-10

Signed by Mr C Hiriyannaiya

Mr Earle desired by the D.C. to inquire if it would be convenient to you

ORDER THEREON.—No.

to, the Conference on the question of Control over Lock-guards in Taluq Lockups, I am desired by the D.C. to inquire whether it would be Convenient to you to attend a meeting

over

Pr 30.0

D. O.

OFFICE OF THE INSPECTOR-GENERAL OF PRISONS
IN MYSORE.

Bangalore, 24. 4. 1960.

Dear Sir/Madam,

I am sent
herewith cum
to a meeting at the
Public Offices on Tues.
26th at 1 P.M.

Yours
Truly

Dis 30-08

Rec'd 29/4/10

No. 453.

Bangalore.

24th April 1910.

53

Dear Mr. Hiriyannaiya,

RE the conference to con-sider the question of control over guards in Taluk Lock-ups, the 26th instant suits me and I will be able to attend it.

Yours sincerely,

G. R. S. 12 ]
General and Revenue
Secretariat.

f 190 8

D.O. dt/ 24.4.10.
[illegible] the above may be
sent direct to him.

from
The D.I.G. of Police
D.O. No 4553 dt/ 24.4.10
Same as above.

Submitted with a draft D.O.
for approval.
25/4
25/4

Issue

25/4/10.

Draft issued. No J 3202-3 dt/ 25.4.10
(Please see next Page)

20

G.R.S. 26]

Pris **File No.** 30 08

**Serial No.**

*Diary No. of letter replied to*

General and Revenue Secretariat
( Pris )
, *the* 190

Date of issue 25-6-10

Signed by mr S. Wiriyamuniya

G.C. No. 3202-2.

To

Dear Sir,

56

With reference to your D.O. of the 24th inst. I desire to inform you that the Conference has been arranged tomorrow (Tuesday the 26th inst.) in the Public Office buildings at 11 a.m. to discuss the question of control over Estate-Pickup funds.

Yours Sincerely

Asst Secy

To (1) D. Devaraja Iyer Esq. M.S.P.
(2) Lt-Col. J. Simpson, Director of Irrigation

over.

G.S. Engineers.

SUBJECT.

Intercession of Controller Pickup funds

Mehta Chambers (in the 1st floor room)

GG. SW
25/6/10.

To be printed

The following questions were considered at a conference consisting of the 1st Councillor, the Inspector General of Police (Mr. Devaraj Urs ) and the Inspector General of Prisons ( Col. Smyth ) held at ~~the~~ the Public Offices on Tuesday the 26th --- April 1910 at 1 P.M.

- - - - - - - - - - - -

57 (1) With reference to the question raised by the Inspector General of Prisons in his letter No. 1196/62-08, dated 23rd October /90. regarding his powers to direct the prosecution of ~~the~~ Police Constables on Lock-up duty in cases of wilful breach of ~~Prisons~~ Prisons' rules by ~~him~~ them, Col. Smyth stated that his only contention was that he should be furnished with full proceedings of any enquiry which the Police authorities ( the Inspector General of Police or his subordinate officers ) might have held into the matter in order that he might satisfy himself about it, and that, if found necessary, he might move the Inspector General of Police or the Government for further action.

The Inspector General of Police stated that

he had no objection whatever to furnish ~~the~~ the Inspector General of Prisons with full details of the enquiry as required by him . This procedure was agreed to unanimously . Col. Smyth added that he did not contend for ~~an~~ any direct power of control or authority over the Policemen on Lock-up duty.

58

2. In the matter of separate guarding ~~ex~~ Establishment for Taluk Lock-ups, the --- Inspector General of Prisons was of opinion that it was undesirable to substitute a separate agency for the Police as the former could not be found to possess that discipline which is the characteristic of the Police force. The Inspector General of Police stated that he was absolutely indifferent whether the Government sanctioned a separate establishment for the Lock-ups or not. But, in view of several practical difficulties, viz., the increased expenditure involved and the maintenance of a large forced establishment without sufficient work, at all times the suggestion was considered to be impracticable. The I G of Police stated that he could not

Staff, even if a separate establishment were sanctioned for the Lock-ups

23

3. Regarding the suggestion of the Repr sentative member of Arsikere in the matte of sealing the locks of female lock-ups d ~~-~~ing nights the Committee were of opinion that there were certain practical difficu ties in the way of carrying out the sugge tions , e,g, this would necessitate the presence ~~of~~ of the Lock-up officer whose residence may be far away from the Lock-u ~~at the Lock-up during odd~~ at inconvenient hours ~~of the da and~~ in the night. A court may occasionally sit late into the night and the female prison ers may have to be locked in after 8 or 9 p.m. Similarly undertrial prisoners may be brought to the lock-up by the Police a inconveninet hours . It was therefore co sidered impracticable that the Lock-up of ficer himself should be required to seal the Lock ups during nights. The Committee were ho ever of opinion that the suggestion may b tried by entrusting the task of sealing t ~~the Lock-ups~~ the Lock-ups to some other lower officer of ~~some~~ standing viz. the Police Duffedar ( who is a stationary of-

the case of in Taluk Lock-ups and the Lock-up Duffedar in District Lock-ups.

60 4. The committee also considered the question whether some power of control over the guarding establishment should not be conferred on the lock-up officers, i,e, Sub-Registrars and Sub-Assistant Surgeons. No definite conclusion was arrived at on this point. The Dy Sp of Police objected to any such arrangt

5. Regarding the question of dieting ---- charges of undertrial prisoners in Police custody , it was agreed that some uniform procedure should be laid down for guidance throughout the State . It was considered desirable to obtain the opinion of the Cam Comptroller on the point.

61 6. The Committee were unanimously of opinion that ~~separate~~ accomodation should be provided for Separately undertrials and convicts.

29/4/10. 30/4/10

S. 12 ]
ral and Revenue Secretariat.

Pris File No. 30 of 1908

Serial No.

62 a typed draft of the proceedings of the Conference held on the Retrenchment has been put up.

63 No definite conclusion was reached on the question of Confirmation Lock up officers Some powers of control over the guarding Estt. Perhaps powers to fine & Stay the Estt] a couple of Rupees may be given.

64 The Committee's Conclusion & the respects may be adopted

29/4/10. SH

1st C

65 Draft of proceedings approved. Orders may issue accordingly.

1987
30.4.10

66 The question of investing the Lock up officers with disciplinary powers over the guarding Police is beset with difficulties. The H.G of Police's objection is a reasonable one & should be allowed

Secretary 30/4/10

67 Put up draft orders

30/4/10

G.G.—55,000—27-1-09

Serial No.

66 Subd with a draft order for on the lines of the Committee's decisions.

SW
23/7/10

69 (1). Please type the draft as revised

70 (2). The file will have to wait Committee's decision after the question pending — vide para 5 of the Committee's recommendations

2/8/10

Typing seen 3/8/10

71 Typed draft subd

SW
25/8/10

25/8/10

Sec. 72 It seems unnecessary to refer to the recommendations of the conference as such & I have therefore altered the wording of the draft slightly, adopting the views of the conference as much as possible

MS 29/8/10

Secy 29/8/10

73 May be approved

MS 29/8/10

Secy 29/8/10

Draft approved

Devanagari draft 1st Corr. MS 10/9/10

SD 21/9/10

8039
23.9.10

25
Addn. sheet.

GPB—56,000—27.4.09

G. R. S. 12 ]
General and Revenue
Secretariat.

File No. of 190

Serial No.

To The I. G. of Prisons, The I. G. of Police, The I. G. of Registration, The Dy. Commrs. & Dt. Magistrates of Dt Cs, & the Chief Engineer of Mysore No J 1380-91 dy 9th Nov. 1890

Passed orders in the matter of the exercise of descriptionary powers by the I. G. of Prisons over the policemen detained for lock-up duty.

9077

No. 1166.
F. 62-08

OFFICE OF THE INSPECTOR-GENERAL OF PRISONS
IN MYSORE.

Dated Bangalore, 23 October 1908.

FROM

Lt.-Colonel J.Smyth M.D., I.M.S.,

*Inspector-General of Prisons in Mysore,*
*Bangalore.*

To

K.S.Chandrasekhara Aiyar Esqr., B.A., B.L.,

*Secretary to the Government of H. H. the Maharaja of Mysore,*
*General & Revenue Departments.*

SIR,

Taluk Lock-ups in this Province have, as you are aware, no guarding establishment of their own. The local Police perform the guarding of prisoners confined therein and the Head of the Department has hitherto exercised the power of directing the prosecution of a Police Constable should any wilful breech of Prison Rules on his part or his conduct in allowing a prisoner to escape warrant the step, and no objection has hitherto been taken to this procedure either by the Inspector General of Police or Government.

2. Last year an instance occurred in which the prosecution of a Policeman ordered by my predecessor was opposed by the Inspector General of Police. The case was referred to Government and ended in the passing of Government Order No.J.2470-72/Pris.5-08 dated 17th February 1908 which sided with the view taken by my predecessor in the matter. But it is well to note here that in this affair the Inspector General of Police did not question the power of the Inspector General of Prisons to direct the step but thought the facts disclosed did not warrant it.

3. Now the Inspector General of Police takes for the first time objection to my exercising the said power itself on the

J 1077

From

*The Inspector-General of Prisons*
*in Mysore.*

*To*

*The Secy. to the Govt. of H. H.*
*the Maharaja of Mysore,*
*Gen. & Rev. Departments.*

No. 1166
F. 62-08

Dated 23rd October 1908.

*Subject.*

Requesting to obtain a definite ruling in the matter of exercising disciplinary powers over police constables deputed on Lock up duties.

ground that a Police Constable, on whatever duty he may be employed, is subordinate to him as Head of the Department in the matter of discipline &c., and as such is punishable by him alone.

4. I am however inclined to think that a breach of Jail Rules, a prisoner's escape from custody and the circumstances that rendered such an escape possible are all matters connected with this Department. As a consequence of this, the duty of reporting occurrences of escapes devolves upon me according to Section 42A of the Lock-up Rules as introduced under Government Order No.15882-91/J.1585 dated 27th May 1901. To do this duty properly it appears to me that I should be placed in possession of all facts connected with the matter at issue. Quite lately a Policeman on Lock-up duty was at fault, but instead of a report of a complete investigation being forwarded to me, he was simply dismissed, no details being communicated to me at all. This is a distinct departure from the practice hitherto followed and is not I think, an improvement on it. It is of course to be understood that I have no doubt at all but that a thorough investigation was made, but I think a report of it should have been sent to me.

5. I have also to add in this connection that my decisions on any of these matters are always based on the reports from District Magistrates who are themselves, the heads of the Police force in their respective Districts and consequently there is no likelihood that Police interests will not have their due share of consideration in such reports as I may have to make to Government under Section 42A Lock-up Rules referred to above.

6. I have, for these reasons, the honor to request that you will be so good as to obtain a definite ruling in the matter.

I have the honor to be,

Sir,

Your most obedient servant,

H. Cameron Hyde

or Inspector General of Prisons.

G.R.S. 28.]

3

**File No.** 3a-08

**Serial No.**

*Diary No. of letter replied to*

*Proceedings of the Government of His Highness the Maharaja of Mysore.*

GENERAL AND REVENUE SECRETARIAT.

( )

, *the* 19

Date of issue

Signed by

READ—

Subject No. 30 of the Representative Assembly Proceedings of 1907 and the reply of Govt thereto, in the matter of the construction of a separate building for the lock-up of undertrial prisoners and a

ORDER THEREON.—No.

separate establishment connected with the Police to guard them, as also the appointment of female guards to watch undertrial prisoners of that sex in ~~the~~ all the Taluk Lockups in the State.

*over* 2 Subj

SUBJECT.

2- Subject Nos 5 2 & 63 of the Representative Assembly Proceedings for 1908 & No 49 of 1909 and the replies thereto, on the same subject.

3. Letter No. 1166-62-08 dated 23rd October 1908 from the Inspector General of Prisons in Mysore, requesting the issue of a definite ruling in regard to the matter of the exercise by himself of disciplinary powers ~~by Jailers~~ over the Police Constables ~~for~~ posted for lock-up duty.

(Print in Extenso)

Order thereon No.

The following are the main points urged for the consideration and orders of Government in the several representations read above, viz:-

1) that a separate establishment other than the Police for members of the Police force be provided for guarding the Taluk Lockups.

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

2) that the ~~Lock~~ Officers in charge of lockups ~~to~~ ~~dol~~ ~~may~~ be ~~disregarded~~ ^ divested with the power of Control over the guarding Establishment and particularly in the matter of ordering prosecutions and awarding departmental punishments in cases of gross ~~negligence~~ neglect of duty on the part of Police ~~men~~ ~~Constables~~ deputed for lockup ~~duty~~ work.

3) that female guards ~~be~~ be employed to guard female prisoners in lockups or if this is not practicable, that the doors of lockup where females are confined be locked and sealed every night by the Officer in charge of the Lockup and opened by him next morning.

4) that undertrial prisoners be kept apart from convicted prisoners and that separate buildings be provided for each class.

2. These questions were fully discussed at a Conference

consisting of Mr. K.P. Puttanna Chetty
the Member of Council
Mr. D. Devaraj Urs,
Inspector General of Police and Lt. Col.
Smythe, Inspector General of Prisons

3. In the matter of a separate guarding establishment for Taluk Lockups, the Committee thought it undesirable to substitute a separate agency for the Police as the former could not be expected to possess that discipline which is the characteristic of the Police force. Further, in view of the increased expenditure involved in the maintenance of a large fixed establishment, without sufficient work at all times and without the possibility of effecting a corresponding reduction in the Police staff, the Committee were unanimous in considering the proposal impracticable. Govt agree in the decision of with the Committee in their views and decide that no change is called for as regards the present system of guarding the lockups through the police agency.

4. With reference to the question of the exercise of disciplinary powers over the policemen deputed for lockup duty, Col Smythe stated that he did not contend for any

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation Sheet draft form.)

he, as the officer responsible for the administration of prisons in the State is duly kept duly informed of proceedings instituted and the final action taken in respect of policement reported against or found guilty with what on duty in the Lockups. Govt are accordingly pleased to direct that

the Inspector General of Police will arrange to furnish the Dy Inspr of Prisons

direct control or authority over the policemen, but that it was sometimes sufficient if the cases of fault are punished. Govt are accordingly pleased to direct that the direct control over these Constables will as hitherto be vested with the Police officers. But that in every case of breach of Prisons Rules, the Inspector General of Police will however continue instructions to forward the Inspector General of Prisons with a full report of the proceedings of any enquiry which the Police officers might have instituted in the matter in order to enable the Dy Inspr of Prisons or the Inspector General of Police to move the Govt to take further action in case he considers that suitable punishments have not been awarded adequately punished.

have

5. Regarding the suggestion of the Representative Assembly Members in the matter of sealing the doors of female lockups during night, the Committee observe that

that there are practical difficulties for example and will necessitate the presence of the Lock up officer at inconvenient hours in carrying out the suggestion. In the first place this would necessitate the presence of the female lock up officer at all hours in the night. Industrial prisoners may be brought by the Police at all hours. They are of opinion that the suggestion may be effected by entrusting the task of sealing to some other lower officer (but responsible) i.e. the Police Duffadar (who is a Subordinate officer) in the case of Taluk Lockups and the Lock up Duffadar in District Lockups. Govt approve of the suggestion of the Committee and direct that the same may be required out into effect as an experimental measure for the Inspector General of Prisons is requested to give effect to the suggestion of the Committee as an Experimental measure for say for two years and to submit a report as to the working of the new arrangements at the end of that period.

The Committee however recommend an alternative suggestion for trial

Resolution

Observe that the Inspector General of Prisons has issued a circular to all the Lockups officers that whenever there are female convicts or under trial prisoners at it is desirable to employ a female guard to lockups not provided with suitable accommodation for a female guard should be employed temporarily if available in when no such arrangement is feasible

6. In this connection it has been brought to notice that in certain Taluk Lockups under trial prisoners and Convicts are being confined in one & the same

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

Flag Q

(*Continuation Sheet draft form*)

cell. The practice is clearly irregular and opposed to Rule 6 of the Lockup rules and should be discontinued.

The Inspector General of Prisons is requested to ascertain in what places separate accommodation has to be provided for undertrials and to submit for the approval of Govt. proposals to effect necessary alterations to the existing lockups, with plans and estimates thereof in consultation with the ~~Chief Engineer~~ P.W.D Officers.

The proposals will be submitted after approval by Govt

Secretary

Print

To The Dy. of Prisons in Mysore
" Dy. of Police in Mysore
" Dy. of Registration in Mysore
" Dy Comrs for Magistracy &c.
" Chief Engineer.

copied by
B Srinivasa murthy
6-8-40

MGCPB—30,000—5-1-05.

Proceedings of the Government of His High-

ness the Maharaja of Mysore.

Read:-

Subject

Letter No.30 of the Representative

Assembly Proceedings of 1907 and the reply

of Government thereto, in the matter of the

~~construction of~~

separate buildings for the location of under-

trial prisoners and a separate establishment

unconnected with the Police to guard them

and

~~as also~~ the appointment of female guards to

watch undertrial prisoners of that sex in

the all the Taluk Lockups in the state.

2. Subject No.52 and 63 of the Represen-

tative Assembly Proceedings of 1908 and

No.49 of 1909 and the replies of Government

thereto, on the same subject.

3. Letter No.1166-62-08 dated the 23rd

October 1908 from the Inspector General of

Prisons in Mysore, requesting the issue of a

definite ruling in regard to the exercise

by himself of disciplinary powers over the

Police Constables ~~deputed to~~ deputed for

lock-up duty.

(Print in Extenso).

Order thereon No. J/1380-91
Pris 30-08-2

Dated Bangalore. 9th November 1910

The following are the main points urged for the consideration and orders of Government in the several representations read above Viz:—

1) that a separate establishment other than the members of the Police force be provided for guarding the Taluk Lockups.

2) that the officers in charge of Lockups be invested with the power of control over the guarding establishment, ~~and~~ particularly in the matter of ordering prosecutions and awarding departmental punishments in cases of gross neglect of duty on the part of the Police men deputed for lockup work.

3). That female guards be employed to guard female prisoners in lockups or if this is not practicable, that the doors of lockups where females are confined be locked and sealed every night by the officer in charge of the Lockup and opened by him next morning.

4) that undertrial prisoners be kept apart from

from convicted prisoners and that separate accommodation ~~lockups~~ be provided for each class of prisoner

2. These questions ~~were~~ have been fully ~~discussed~~ considered by us in consultation with ~~at a conference consisting of Mr.K.D.Potta~~ ~~nna Chetty, First Member of Council Mr.D.~~ Committee ~~Devaraj Urs~~ the Inspector General of Police and ~~Lt.Col.Smyth~~, the Inspector General of Prisons, who

are pleased to pass the following order on the several points.

3. In the matter of a separate guarding establishment for Taluk Lockups, ~~the Committee thought it~~ first consider it undesirable to ~~submit~~ substitute a separate agency for the Police as the former ~~could~~ can not be expected to possess that discipline sense of duty which is the characteristic of the Police force. Further, in view of the increased expenditure involved in the maintinance of a large fixed establishment, without sufficient work at all times and without the possibility of effecting any corresponding reduction in the Police staff, ~~the Committee were unanimous in considering~~ must be regarded the proposal as impracticable. ~~Government agree with the Committee in their views and are of opinion that~~ No change is therefore called for as regards the present system of guarding the lockups ---- through the police agency.

The Police guard may be changed if necessary, but a permanent guard of the kind advocated cannot be so changed.

4. With reference to the question of the

exercise of disciplinary powers over the police men deputed for lockup duty, ~~Col. Smyth stated that he did not contend for any direct~~ What is required is not- any direct control or authority over the policemen but that ~~it would be sufficient if he~~ the I. G. of Prisons, as the officer responsible for the administration of prisons in the State should be kept duly informed of the proceedings instituted and the final action taken in respect of police men reported against or found fault with ~~where~~ when on duty in the lockups. Government are accordingly pleased to direct that in every case of a breach of prisons Rules, ~~the~~ Inspector General of Police will arrange to furnish the Inspector General of Prisons with a full report of the proceedings of any enquiry which the police officers might ~~have~~ instituted in the matter in order to enable ~~the Inspector General of Prisons~~ that Officer to move the Inspector General of Police or the Government, to take further action in case he considers that the ~~policemen at fault have not been adequately punished.~~ action taken has not been adequate.

5. Regarding the suggestion made in the Representative Assembly ~~Committee~~ in the matter of sealing the doors of female lockups during nights in the presence of the Lockup Officer the ~~Committee~~ this observes that there are practical difficulties in carrying out the suggestion, as for example it will necessicitate the presence of the Lockup officer at inconvinent hours. ~~The committee however recommend~~ An alternative suggestion has however been made ~~for trial~~ Viz. ~~of~~ entrusting the task of sealing to a lower but responsible officer Viz., the Police Duffedar (who is a stationery Officer) in the case of Taluk Lockups and the Lockup Duffedar in the District Lockups. ~~It~~ Government are inclined to give the suggestion a trial but they observe that the Inspector General of Prisons has issued a circular to all the Lockup Officers that whenever there are female convicts or under-trial prisoners at Lockups not provided with suitable accommodation a female guard should be employed temporarily if available. When no such arrangement is feasible, the Inspector General of Prisons is requested to give effect to the suggestion ~~of the Committee~~ above referred to as a tenta-

tentative measure, ~~see~~ for a period of two years and then to submit a report as to the working of both the arrangements.

6. In this connection it has been brought to notice that in certain Taluk Lockups undertrial prisoners and convicts are being confined in ~~one and~~ the same cell. The practice is clearly irregular and opposed to Rule 6 of the Lockup rules and should be discontinued. The Inspector General of Prisons is requested to ascertain in what places separate accomodation has to be provided for undertrials and to submit for the approval of Government proposals to effect necessary alterations to the existing lockups, with plans and estimates therefor in consultation with the ~~Public Works Department~~ P.W. Dept. Officers.

Secretary to Govt.

To

The Inspector General of Prisons in Mysore
" ----------do--------Police in Mysore
" ----------do--------Registration in Mysore.
" Deputy Commissioners and District Magistrates of Districts.
" Chief Engineer in Mysore.

B.K.M.
2.

Subject No. 30 of the Representative Assembly Proceedings of 1907 and the reply of Government thereto, in the matter of the construction of separate buildings for the location of under-trial prisoners and a separate establishment unconnected with the Police to guard them, and the appointment of female guards to watch under-trial prisoners of that sex in all the taluk lock-ups in the State.

2. Subjects Nos. 52 and 63 of the Representative Assembly Proceedings of 1908 and No. 49 of 1909 and the replies of Government thereto on the same subject.

3. Letter No. 1166—F. 62-08, dated the 23rd October 1908, from the Inspector-General of Prisons in Mysore, requesting the issue of a definite ruling in regard to the disciplinary powers to be exercised over the Police constables deputed for lock-up duty.

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No. J. 1380-91—Pris. 30-08-2, dated Bangalore, 9th November 1910.

Order thereon.—The following are the main points urged for the consideration and orders of Government in the several representation read above, *viz*:—

(1) That a separate establishment other than the members of the Police Force be provided for guarding the taluk lock-ups.

(2) That the officers in charge of lock-ups be invested with the power of control over the guarding establishment, particularly in the matter of ordering prosecutions and awarding departmental punishments in cases of gross neglect of duty on the part of the policemen deputed for lock-up work.

(3) That female guards be employed to guard female prisoners in lock-ups or if this is not practicable, that the doors of lock-ups where females are confined, be locked and sealed every night by the officer in charge of the lock-up and opened by him next morning.

(4) That under-trial prisoners be kept apart from convicted prisoners and that separate accommodation be provided for each class of prisoners.

2. These questions have been fully considered by Government in consultation with the Inspector-General of Police and the Inspector-General of Prisons, and Government are pleased to pass the following orders on the several points.

3. In the matter of a separate guarding establishment for taluk lock-ups, Government consider it undesirable to substitute a separate agency for the Police as the former cannot be expected to possess that sense of duty and discipline which is the characteristic of the Police Force. The Police guard may be changed if necessary but a permanent guard of the kind advocated cannot be so changed. Further, in view of the increased expenditure involved in the maintenance of a large fixed establishment, without sufficient work at all times and without the possibility of effecting any corresponding reduction in the Police staff, the proposal must be regarded as impracticable. No change is therefore called for as regards the present system of guarding the lock-ups through the Police agency.

4. With reference to the question of the exercise of disciplinary powers over the policemen deputed for lock-up duty, what is required is not any direct control or authority over the policemen, but that the Inspector-General of Prisons as the officer responsible for the administration of prisons in the State should be kept duly informed of the proceedings instituted and the final action taken in respect of policemen reported against or found fault with when on duty in the lock-ups. Government are accordingly pleased to direct that in every case of a breach of Prisons Rules, the Inspector-General of Police will arrange to furnish the Inspector-General of Prisons with a full report of the proceedings of any enquiry which the Police officers might institute in the matter, in order to enable that officer to move the Inspector-General of Police or the Government to take further action in case he considers that the action taken has not been adequate.

5. Regarding the suggestion made in the Representative Assembly in the matter of sealing the doors of female lock-ups during nights in the presence of the

*Judicial and Legislative (Prisons), dated 9th November 1910.*

lock-up officer, it is observed that there are practical difficulties in carrying out the suggestion, as for example, it will necessitate the presence of the lock-up officer at inconvenient hours. An alternative suggestion has, however, been made to entrust the task of sealing to a lower but responsible officer, namely, the Police dafadar (who is a stationary officer) in the case of taluk lock-ups and the lock-up dafadar in the district lock-ups. Government are inclined to give this suggestion a trial, but they observe that the Inspector-General of Prisons has issued a circular to all the lock-up officers that whenever there are female convicts or under-trial prisoners at lock-ups not provided with suitable accommodation a female guard should be employed temporarily, if available. When no such arrangement is feasible, the Inspector-General of Prisons is requested to give effect to the suggestion above referred to, as a tentative measure, for a period of two years and then to submit a report as to the working of both the arrangements.

6. In this connection, it has been brought to notice that in certain taluk lock-ups under-trial prisoners and convicts are being confined in the same cell. This practice is clearly irregular and opposed to Rule 6 of the Lock-up Rules and should be discontinued. The Inspector-General of Prisons is requested to ascertain in what places separate accommodation has to be provided for under-trials and to submit for the approval of Government proposals to effect necessary alterations to the existing lock-ups, with plans and estimates therefor, in consultation with officers of the Public Works Department.

C. S. BALASUNDARAM IYER,
*Offg. Secy. to Govt., Gen. & Rev. Depts.*

To—The Inspector-General of Prisons in Mysore.
The Inspector-General of Police in Mysore.
The Inspector-General of Registration in Mysore.
The Deputy Commissioners and District Magistrates of Districts.
The Chief Engineer of Mysore.

# 1910-11

GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE.

JUDICIAL AND LEGISLATIVE
(PRISONS)

PROCEEDINGS

*Dated 9th November 1910*

No. J. 1380-91
Pris. 30-08-2

Passing orders in the matter of separate guards for taluk lock-ups, the exercise of disciplinary powers over the policemen deputed for lock-up duty and arrangements to be made for guarding lock-ups where female prisoners are confined.